

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LINDA GABALDON,

Plaintiff,

vs.

J. BROWN, et al.,

Defendants.

1:20-cv-01443-DAD-GSA-PC

**FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT THIS CASE
BE DISMISSED, WITH PREJUDICE,
FOR FAILURE TO STATE A CLAIM,
FAILURE TO OBEY A COURT ORDER,
AND FAILURE TO PROSECUTE
(ECF Nos. 1, 6.)**

**OBJECTIONS, IF ANY, DUE IN
FOURTEEN (14) DAYS**

Linda Gabaldon ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action under 42 U.S.C. § 1983. On October 13, 2020, Plaintiff filed the Complaint commencing this action. (ECF No. 1.) On October 14, 2020, the court screened the Complaint and issued an order striking the Complaint for lack of Plaintiff's signature, with leave to file an amended complaint within thirty days. (ECF No. 6.) The thirty-day deadline has now expired and Plaintiff has not filed an amended complaint or otherwise responded to the court's order. As a result, there is no pleading on file which sets forth any claims upon which relief may be granted.

Accordingly, **IT IS HEREBY RECOMMENDED** that:

1. Pursuant to 28 U.S.C. § 1915A, this case be DISMISSED, with prejudice, based on Plaintiff's failure to obey a court order, failure to prosecute, and failure to state a claim upon which relief may be granted under § 1983; and
2. The Clerk be directed to close this case.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). **Within fourteen (14) days** from the date of service of these findings and recommendations, Plaintiff may file written objections with the court. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time may result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

IT IS SO ORDERED.

Dated: **December 3, 2020**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE